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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,736	08/11/2005	Mara Brancaccio	4636-25	7505
23117	7590	11/13/2008	EXAMINER	
NIXON & VANDERHYE, PC			HAMA, JOANNE	
901 NORTH GLEBE ROAD, 11TH FLOOR			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22203			1632	
MAIL DATE		DELIVERY MODE		
11/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,736	<b>Applicant(s)</b> BRANCACCIO ET AL.
	<b>Examiner</b> JOANNE HAMA	<b>Art Unit</b> 1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 August 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8-15,17-20,23-25,43 and 44 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,8-15,17-20,23-25,43 and 44 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

Applicant filed a response to the Non-Final Action of July 10, 2008 on August 11, 2008. Claims 2-7, 16, 21, 22, 26-42 are cancelled. Claims 1, 17, 18, 23-25 are amended. Claims 43, 44 are new.

Claims 1, 8-15, 17-20, 23-25, 43, 44, drawn to a transgenic mouse comprising a disruption in its endogenous melusin gene, and methods of making and using said mouse, are under consideration.

**Withdrawn Rejections/Objections**

***Claim Objection***

Applicant's arguments, see page 6 of Applicant's response, filed August 11, 2008, with respect to the objection of claims 1, 8-15, 17-20, and 23 have been fully considered and are persuasive. Applicant indicates that claims 1 and 23 have been amended. The objection of claims 1, 8-15, 17-20, 23 has been withdrawn.

***35 USC § 112, 1<sup>st</sup> parag., Enablement***

Applicant's arguments, see page 6 of Applicant's response, filed August 11, 2008, with respect to the rejection of claims 1, 8-15, 17-20, 23-25 have been fully considered and are persuasive. Applicant indicates that the claims have been amended and new claims have been amended according to the Examiner's suggestions on page 4-9 of the Office Action. The rejection of claims 1, 8-15, 17-20, 23-25 has been withdrawn.

***35 USC § 112, 2<sup>nd</sup> parag.***

Applicant's arguments, see page 6 of Applicant's response, filed August 11, 2008, with respect to the rejection of claim 17 as being indefinite have been fully considered and are persuasive. Applicant indicates that claim 17 has been amended to depend on claim 1. The rejection of claim 17 has been withdrawn.

Applicant's arguments, see page 6 of Applicant's response, filed August 11, 2008, with respect to the rejection of claims 18, 23 as being incomplete for omitting essential steps, have been fully considered and are persuasive. Applicant indicates that claims 18 and 23 have been amended. The rejection of claims 18 and 23 has been withdrawn.

This application is in condition for allowance except for the following formal matters: Figure 1 comprises amino acid sequences and SEQ ID NOs must be assigned to them. Further, the sequences must be provided on paper and on computer readable format (CRF) and a statement indicating the paper and CRF sequences are the same must also be provided. See 37 CFR § 1.821.

Prosecution on the merits is closed in accordance with the practice under Ex parte Quayle, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire TWO MONTHS from the mailing date of this letter.

Claims 1, 8-15, 17-20, 23-25, 43, 44 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOANNE HAMA whose telephone number is (571)272-2911. The examiner can normally be reached on Monday-Friday 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on (571) 272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joanne Hama/  
Primary Examiner, Art Unit 1632